

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Kazuki Yokota

Serial No.: 09/627,456

Group Art Unit: 2851

Filed: July 27, 2000

Examiner: Cruz, Magda

For: OVERLAY MARK, METHOD OF MEASURING OVERLAY ACCURACY,  
METHOD OF MAKING ALIGNMENT AND SEMICONDUCTOR DEVICE  
THEREWITH

Honorable Commissioner of Patents  
Alexandria, Virginia 22313-1450

**RE-SUBMISSION OF RESPONSE FILED ON JANUARY 29, 2004 TO FINAL  
OFFICE ACTION**

Sir:

In accordance with the telephone instructions issued on Thursday, April 15, 2004, from Russell Adams, Supervisory Patent Examiner of Technology Center 2800, Applicant re-submits a response ("Response") previously filed on January 29, 2004, by courier, to a Final Office Action dated October 30, 2003.

Briefly, Applicant has contacted Examiner Cruz on numerous occasions regarding the status of the Response, including faxing a copy of the Response to the Examiner on February 23, 2004. In a recent Interview Summary of March 22, 2004, Supervisory Examiner Adams and Examiner Cruz expressly indicate that they are still waiting for the Amendment, i.e., the Response, to be scanned.

Since the sixth month date of April 30, 2004, from the issuance of the Final Office Action is quickly approaching, and the Examiner still has not received the Response due to PTO delays in scanning the Response, Applicant, as indicated above, is re-submitting the

Serial No.09/637,456  
Docket No. NEC00P063-To

2

Response along with the Verified English Translation of the Priority Document and a copy of the Attorney's Post Card Filing Receipt, dated stamped at the PTO on January 29, 2004.

Accordingly, Supervisor Adams expressly indicated that by re-submitting the above information, the Application shall NOT be deemed abandoned should the PTO not respond by April 30, 2004, and thus obviate the Applicant's requirement to file a Notice of Appeal and a Petition For Extension of Time.

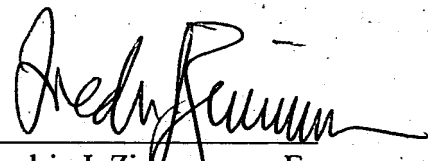
Therefore, the Examiner is respectfully requested to pass the above application to issue at the earliest possible time, i.e., prior to April 30, 2004.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Date: \_\_\_\_\_

4/15/04

Respectfully Submitted,



Fredric J. Zimmerman, Esq.  
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ANNAPOLIS, MD OFFICE  
FREDERICK W. GIBB, III  
MOHAMMAD S. RAHMANT

February 23, 2004

**VIA FACSIMILE**

To: Examiner Magda Cruz  
Group Art Unit 2851  
U.S.P.T.O.

Facsimile No.: (703) 872-9306

From: Fredric J. Zimmerman

Facsimile No.: (703) 761-2375

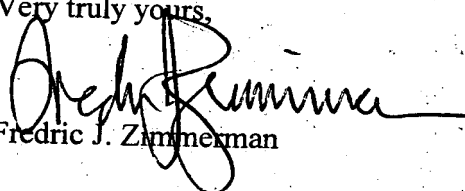
Re: Enclosed After-Final Response and Submission of Verified English  
Translation of the Priority Document  
U.S. Patent Application Serial No. 09/627,456  
Docket No. WAK.059

Dear Examiner Cruz:

We herewith enclose a copy of the After-Final Response and Submission of Verified English Translation of the Priority Document filed via courier on January 29, 2004.

Thank you in advance for your consideration on this case.

Very truly yours,

  
Fredric J. Zimmerman

FJZ/geb  
Enclosures

Total No. of Pages Transmitted: 9



WPAK.059 FZ/9eb

Attorney's Post Card Filing Receipt

Serial Number: 09/627,456 Papers Filed On: 1/29/04

Attorney's Docket Number: NEC00P063-70 ☒ Patent ☐ Trademark

Applicant's Name: Kazuki Yokota Application Filing Date: 7/27/00  
Papers Filed Herewith:

- ☒ Response ☐ Amendment ☐ Request for Extension of Time ☐ CPA Request  
☐ Notice of Appeal ☐ Appeal Brief (in triplicate) ☐ Reply Brief  
☐ IDS ☐ 1449 Form w/      Documents ☐ Priority Document(s)  
☐ Assignment ☐ Recordation Cover Sheet ☐ Formal Drawings  
☐ Drawing Corrections ☐ Issue Fee Transmittal ☐ Missing Parts

☒ Other Sub of Verified English translation of the  
Priority Document  
Fees Filed Herewith: \$      ☐ Check ☐ Charge Deposit Account:     

Hand Delivered

WPAK.059 FZ/9eb

Attorney's Post Card Filing Receipt

Serial Number: 09/627,456 Papers Filed On: 1/29/04

Attorney's Docket Number: NEC00P063-70 ☒ Patent ☐ Trademark

Applicant's Name: Kazuki Yokota Application Filing Date: 7/27/00  
Papers Filed Herewith:

- ☒ Response ☐ Amendment ☐ Request for Extension of Time ☐ CPA Request  
☐ Notice of Appeal ☐ Appeal Brief (in triplicate) ☐ Reply Brief  
☐ IDS ☐ 1449 Form w/      Documents ☐ Priority Document(s)  
☐ Assignment ☐ Recordation Cover Sheet ☐ Formal Drawings  
☐ Drawing Corrections ☐ Issue Fee Transmittal ☐ Missing Parts

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